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In re application of: HANS-JOCHEN MORPER

DOCKET NO: P97,1957

Serial No: 08/932,704

GROUP ART UNIT: 2744

Filed: SEPTEMBER 18, 1997

EXAMINER: C. CRAVER

For: **METHOD FOR CALL CONTROL OF COMMUNICATION TERMINAL
EQUIPMENT WIRELESSLY CONNECTED TO COMMUNICATION
NETWORKS**

Assistant Commissioner for Patents,
Washington, D.C. 20231

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	* 18	MINUS	** 20	-0-	() X 9.00 () X 18.00	
INDEP. CLAIMS	* 03	MINUS	** 03	-0-	() X 39.00 () X 78.00	
Application amended to contain any multiple dependent claims not previously paid for.				() YES (X) NO	() \$130.00 () \$260.00 ONE TIME	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					NONE	

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

- ☐ Applicant petitions the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated _____ for _____ month so that the period for response is extended to _____.
- ☐ A check in the amount of \$ _____ is attached to cover the cost of the extension.
- ☐ A check for \$ _____ is enclosed to cover the cost of _____ extra independent claim.
- ☐ A check for \$ _____ accompanying IDS under 37 CFR 1.97(c) is attached.
- ☐ A check for \$ _____ and Petition for Consideration of IDS under 37 CFR 1.97(d) is attached.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 08-2290. A duplicate of this sheet is enclosed.
- When phoning regarding this application, please call (312) 876-0200 - Ext. 3078.

BY John R. Garrett (Reg. No. 27,888)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 28, 1999.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): HANS-JOCHEN MORPER DOCKET NO: P97,1957
SERIAL NO: 08/932,704 ART UNIT: 2744
FILING DATE: SEPTEMBER 18, 1997 EXAMINER: C. CRAVER
INVENTION: **METHOD FOR CALL CONTROL OF COMMUNICATION
TERMINAL EQUIPMENT WIRELESSLY CONNECTED TO
COMMUNICATION NETWORKS**

Assistant Commissioner for Patents,
Washington, D.C. 20231

RESPONSE

Sir:

This communication is in response to the Office Action of April 29, 1999. In the Office Action the Examiner rejected claims 1-3, 5, 6, 10, 11 and 13-17 under 35 U.S.C. §102 as being anticipated by Akhavan (U.S. Patent 5,673,308). The Examiner also rejected claims 4, 7, 8 and 9 under 35 U.S.C. §103 as being unpatentable over Akhavan and further in view of the admitted prior art.

In the present application claims 1, 10 and 15 are independent claims. The claimed invention is a method for controlling calls in a communication network. The first step of the method is calling, using a telephone number, wireless communication terminal equipment that is wirelessly connected to base stations of a home area. The base stations are connected to communication terminals of the communication network. The wireless communication terminal equipment is additionally wirelessly connected to a sub-communication network of a communication network. In a second step calls directed to a called wireless communication terminal equipment are switched to an associated base station in a home area using a communication network. Availability of the called wireless communication terminal equipment is determined by the associated base station in the home area. In a third step, the call is re-routed, given non-availability of the called wireless communication terminal equipment, to the sub-communication network using the associated base station. Claims 10 and 15 add

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further limiting features.

The Examiner has rejected each of the independent claims as being anticipated by Akhavan.

Akhavan discloses a method for controlling calls. The method consists of calling, using a telephone network, connecting wireless equipment wirelessly to base stations of a general area, wherein the base station is connected to communication terminals of a network and the mobile unit is additionally connected wirelessly to a sub-network of the network. Furthermore, Akhavan discloses a routing of calls directed to a subscriber using a home location register and a visitor location register. It is arranged in a cellular telephone system of a public switched telephone network (see column 21, lines 61 through column 22, line 2, as well as, column 22, lines 47-53). This means that an incoming call is routed directly to the subscriber when the subscriber has changed from the home zone to the cellular telephone system.

In the method as set forth in independent claims 1, 10 and 15 of the present application, a call that is directed to a subscriber is generally routed to an associated base station in the home area. This is contrary to the teachings of Akhavan. Utilizing the associated base station the availability of the called wireless communication terminal in the home area is determined. If the terminal is not available the call is re-routed to the sub-communication network. This means that the essential steps of the method of the present invention is not disclosed in Akhavan. Furthermore, one skilled in the art would not be lead by the disclosure in Akhavan to provide the method according to the present invention because in Akhavan there is no teaching or suggestion for a general routing of calls directed to a subscriber to the associated base station of a home area independent of the area in which the general subscriber terminal can be reached, that is, the home area or sub-communication network area. Therefore, the method of the present invention is not anticipated nor disclosed by Akhavan.

For the reasons set forth above, the rejection of the independent claims under 35 U.S.C. §102 has been overcome, and the Examiner is respectfully requested to reconsider the rejection of the independent claims under 35 U.S.C. §102.

Since claims 2, 3, 5, 6, 11, 13, 14, 16 and 17 are dependent claims that include all of the limitations of the independent claims upon which they depend, these claims are also not anticipated nor unpatentable over the cited prior art. Therefore, the Examiner is respectfully requested to reconsider the rejection of all claims under 35 U.S.C. §102. The claims that were rejected under 35 U.S.C. §103 are also dependent claims and therefore for the reasons set forth above, these claims are also not anticipated nor obvious in view of the cited prior art. Therefore the Examiner is respectfully requested to reconsider the rejection of the claims under 35 U.S.C. §103.

To the extent that the independent claims herein and the cited prior art have any elements or steps in common, those elements or steps in the prior art are not arranged and operating in the same manner as in the independent claims. Therefore, the claims are not anticipated under the provisions of Section 102, which requires an element-by-element correspondence between a claim and the cited reference. Such correspondence is not present between the independent claims and the cited prior art.

In view of the fundamentally different theories of operation between the claimed subject matter and the cited prior art, the claims would not have been obvious to a person of ordinary skill in the relevant art. Because of such differences in structure and operation, there is no inducement or teaching for such a person to rearrange the cited prior art so as to arrive at a system comparable to the claimed system, absent reading Applicant's disclosure. Even if such a rearrangement were undertaken for reasons unknown to the Applicant, this rearrangement would constitute a substantial redesign rather than an obvious modification of the cited prior art, and as such is not a proper basis for rejection under Section 103.

Applicant notes the Notice of Draftsperson's Patent Drawing Review in which the drawings were objected to. Upon allowance of the present application Applicant will provide formal drawings. The prior art made of record and not relied upon is considered to be of general interest only.

This application is believed to be in condition for allowance and such action at an early date is earnestly solicited.

Respectfully submitted,



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